

# Notice of Allowability

Application No.

09/669,959

Examiner

KIEU-OANH BUI

Applicant(s)

HARRIS, SCOTT C.

Art Unit

2623

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/13/2007.
2. ☒ The allowed claim(s) is/are 2-4, 6-10 and 21-27.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_



KIEU-OANH BUI  
PRIMARY EXAMINER

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### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Scott C. Harris on December 7, 2007.

The application has been amended as follows:

#### IN THE CLAIM:

In claim 2, amendment page 2, line 18; change the dependency from "...to said **second** computer indicative of..." to -- to said **separate** computer indicative of --.



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## **DETAILED ACTION**

### ***Remark***

1. Claims 1, 5, and 11-20 have been cancelled, and new claims 24-27 have been added.

Pending claims 2-4, 6-10, and 21-27 are for reconsideration.

### ***Drawings***

2. The drawings filed on 09/26/2000 are acceptable subject to correction of the informalities. In order to avoid abandonment of this application, correction of the formal drawing is required in reply to the Office action. The correction will not be held in abeyance.

### ***Allowable Subject Matter***

3. Claims 2-4, 6-10, and 21-27 have been allowed.

### ***Reasons for Allowance***

4. The following is an examiner's statement of reasons for allowance:

The closest prior arts of record issued to Humpleman and Kamada either alone or in a combination fails to teach or suggest each and every feature of the present invention for a television remote can control the display on both a television screen and a computer, which is totally separated from the television. The examiner agrees with the applicant that none of the prior art, even if taken individually, says anything about "a supplemental signal that represents a link to additional information, which link can be selected by actuation of said remote to find said additional information from a database that is separate from said remote, and where said

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additional information provides additional information about a television program which represents program content that has been received over a program content receiving channel, and is being currently displayed on a display of the television". Since this program has been received over a program content receiving channel, this obviates any interpretation that the appliance web page and other analogous web pages received in Humplemann, form this "television program".

With that factual backdrop, consider the scope and contents of Humpleman. Humpleman teaches a home network system that is controlled using HTML, e.g., Internet appliances.

Humpleman explains that the home network is browser-based, and that HTML can be used for an interface for controlling of the devices over the network. See generally column 4 lines 17-32.

Again, the home devices produce HTML pages, while the DTV 102 access a client, and graphically displays the controlling command information. Each home device sends its GUI to the DTV, see column 6 lines 51-64. However, this information sent to the DTV is not, as claimed, "a television program which represents program content that has been received over a program content receiving channel". The information is information from an internet appliance, not information that represents program content that has been received over a program content receiving channel.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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***Conclusion.***

**5. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to PTO New Central Fax number:**

**(571) 273-8300, (for Technology Center 2600 only)**

*Hand deliveries must be made to Customer Service Window,  
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller, can be reached at (571) 272-7353.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kieu-Oanh Bui  
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Dec.07, 2007